



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF
SHS-11

JUL 19 1989

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

WEBB ENVIRONMENTAL
C/O PETER J. BEISLER
3220 LEMON WEST
DALLAS, TX 75204

Re: Request for Information Pursuant to Section 104(e) of CERCLA and Section 3007 of RCRA, for Great Lakes Asphalt, Inc., in Zionsville, Indiana.

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, at Great Lakes Asphalt Inc., located in Zionsville, Union Township, Boone County, Indiana, hereinafter referred to as the "Site". This investigation requires inquiry into the generation, storage, treatment, and disposal of such substances that have been or threaten to be released at the Site. U.S. EPA is also investigating the ability of persons connected with the Site to pay for or perform a clean-up of the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499, and pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 3008 of RCRA under which U.S. EPA may seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued noncompliance, and/or pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to respond

completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001. The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

This Information Request is directed to your company, its officers, directors and employees, and its subsidiaries, divisions, facilities and their officers, directors and employees. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

Your response to this Information Request should be mailed to:

Ruth Mancos
Emergency Support Section
U.S. Environmental Protection Agency, 5HS-11
230 South Dearborn Street
Chicago, Illinois 60604

Please direct any questions to Ruth Mancos, at (312) 353-3193. Direct any legal questions you may have to Charles McKinley, at (312) 886-4247.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,



Robert J. Bowden, Chief
Emergency & Enforcement Response Branch

Enclosure

cc: Glen Pratt, IDEM

GREAT LAKES ASPHALT, INC.

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, respondent must notify U.S. EPA as soon as possible.
5. For each document produced in response to this request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Request on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with all present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal or handling practices of the Respondent. To the extent that any information you provided relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or their representatives, this information shall be in the form of a notarized affidavit.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985)]. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

DEFINITIONS

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of the Request and all corporations in which you have held an ownership interest, by which addressee was employed, and/or in which you held an office or supervisory position.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. "The Site" or "The Facility" shall mean and include the entire property on which Great Lakes Asphalt, Inc., conducted its business, located in Union Township, Boone County, Indiana.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.
5. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA.
6. The terms "furnish", "describe", or "indicate" shall mean turning over to EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

7. The term "materials" shall mean anything including "synthetic fuels" placed/stored in tank #7 as shown on the attached diagram at the "site" between the years 1977 and 1989.

8. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

9. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.). organization, if any, and a brief description of its business.

10. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

11. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substances or pollutants or contaminants.

12. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any documents and (e) every document referred to in any other document.

13. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the company or companies that you owned or had economic interests in, between the years 1977-1989.
5. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of materials, which were transported to the Site and/or which were stored/ placed in Tank #7, as identified on attached diagram.
6. Describe the nature of your activities or business with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling materials at the site.
7. As to any materials which were transported to the Site or which were stored at the Site; identify:
 - a) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each such material;
 - b) From where such materials were received;
 - c) How such materials were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - d) State the dates on which such materials were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - e) Where such materials were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and

f) The quantity of such materials used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

8. State the dates during which Respondent owned, operated or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease arrangement (e.g., deeds, leases, etc.)

9. State the dates during which Respondent was involved in the shipping or furnishing of any substances to Louisville in Logansport, for use as fuel in the cement kiln. Give the names and locations of any other cement kiln operations to which substances were shipped or furnished.

10. State all dates on which material was brought to the Site, or added to the storage tanks, and state the source of the material.

11. How many storage tanks or other containers at Great Lakes Asphalt were used by Respondent, and as to each, state the time period during which they were used?

12. As of May 10, 1989, how many storage tanks at Great Lakes Asphalt contained materials shipped by Respondent; also state the source of this material?

13. Describe all terms of the storage agreement Respondent had with Great Lakes Asphalt, including amount paid, method of payment, and the persons involved with making the arrangements. If the agreement was written, provide copies of the agreement and any other relevant documents concerning the agreement.

14. State what activities transpired with regard to the materials after they were transported to the Site (e.g., treatment, disposal, transport to other sites, etc.).

15. Identify all liability insurance policies held by Respondent from 1977 to the present, for each company or companies you owned or had economic interests. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

16. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the past three years.

17. If Respondent is a Corporation or was a Corporation during the relevant time period, respond to the following requests:

- a) For each Corporation provide a copy of the Articles of Incorporation and By-Laws of the Respondent's current company and any past companies, owned by Respondent for the past 12 years;
- b) Provide Respondent's financial statements for the past three years;
- c) Identify all of Respondent's current assets and liabilities and the person who currently own or are responsible for such assets and liabilities.

18. If Respondent is a Partnership, or was a partner during the relevant time period, provide copies of the Partnership Agreements.

19. If Respondent is a Trust or has been part of trust during the regular time period, provide all relevant agreements and documentation to support this claim.

STATE BOARD OF HEALTH
INDIANAPOLIS

Referenced
in
Question 5

OFFICE MEMORANDUM

DATE: 1/6/8

TO:

THRU:

FROM: Jim Hunt

SUBJECT: Layout of Great Lakes Asphalt Tanks (from conversation
with Gary Lindgren)

N↑

HORIZONTAL
TANKS

T6 ☐
T5 ☐
T4 ☐
T3 ☐
T2 ☐
T1 ☐

SYNTHETIC
FUEL
TANK
T7
VERTICAL

ASPHALT
PLANT



DRIVEWAY

County Road

S.R. 421

2-3 mi.

S.R. 32

E.P.

5HS-11

P 995 704 984

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

WESTERN STATES REFINING
C/O PETER J. BEISLER
3220 LEMON WEST
DALLAS, TX 75204

PS Form 3800, June 1985

Postage	\$ 65
Certified Fee	85
Special Delivery Fee	
Restricted Delivery Fee	.
Return Receipt showing to whom and Date Delivered	90
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 240
Postmark or Date	

Handwritten signature: Ruth M. Mada

INSTRUCTIONS: Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivering to and the date of delivery. For additional fees the following services are available. Consult postage rates for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

WESTERN STATES REFINING
C/O PETER J. BEISLER
3220 LEMON WEST
DALLAS, TX 75204

4. Article Number

P 975 707 981

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Address

X

6. Signature - Agent

X

7. Date of Delivery

7-31-89

8. Addressee's Address (ONLY if requested and fee paid)

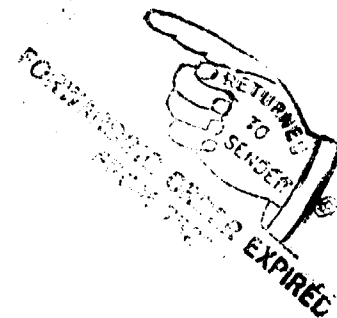
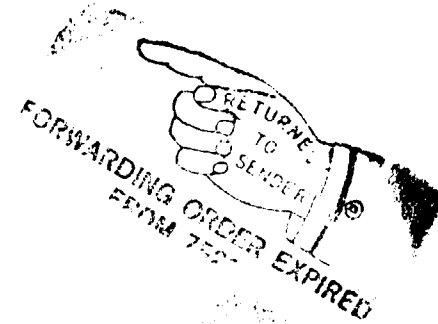
SENDER

FORWARDING ORDER EXPIRED
FROM 752

UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY

REGION V
230 SOUTH DEARBORN
CHICAGO, IL 60604

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300



HS

FOE 483 RB

Fold at line over top of envelope to the right
of the return address

CERTIFIED

P 995 704 984

MAIL